NO COMPROMISE, SAYS PLATT.

REMARKS ON A TALE THAT BLACK IS TO SUCCEED HIM.

He'll Have a Long Time to Wait-Twas Party Sentiment Kneeked Odell's Game -Senator on Best of Terms With Higgins; Ask Franchot-Paya Satisfied.

Senator Platt came down from his country home, Tlogs Lodge, at Highland Mills, yesterday morning, and last night he was at the Fifth Avenue Hotel, where he will remain until Wednesday, when he is to return to Washington. While at his office Mr. Platt talked over with his visitors the settlement of the United States Senatorship fight in Mr. Depew's favor, but he wasn't quite ready to say anything for print until he got to the hotel last evening. In view of all that has happened since

Mr. Platt's last pronunciamento in Depew's favor, some of Mr. Platt's friends told him that most Republicans in the State would like to hear what he had to say. Senator Platt had heard all sorts of reports as to how Governor-Chairman Odell came to fling over Black at the last moment, and Mr. Platt had also heard that something like a compromise was reached whereby at some future time Mr. Black was to be benefited. As a matter of fact, this talk of compromise was, in effect, that at the proper time Mr. Black was to be selected as Mr. Platt's successor in the Senate. Senator Platt, with a merry twinkle, said a few words on that highly interesting

"I don't believe any compromise of any kind was reached." Senator Platt said, "but if there was one looking to have Mr. Black succeed me in the Senate. I'm afraid all hands will have a long time to wait for the culmination of any such alleged

"The simple truth is." continued Senator Platt, "that Odell, in groping around for public sentiment on the Senatorship matter, got it good and plenty. Especially did he get it when the old guard, one hundred strong, stepped up at the Fifth Avenue Hotel a little over a week ago and declared for Depew. The men at that conference represented every Republican centre in the State, and the Depew sentiment was so strong that it would have knocked anybody over who presumed to confront it.

Depew and I have had a nice chat, and Chauncey is all right. As a matter of fact, he always has been and always will be all right; and of course I am to be active in Republican politics as long as I live; and I am a pretty hale and hearty customer, as, no doubt, you observe.

"Are you to see Mr. Odell?" "Oh, if he sends for me," replied Mr. Platt, still with a merry twinkle, "I suppose I shall have to go and see him."

What are your relations with Mr. Hig-"They are as happy as happy can be

replied Mr. Platt. "Mr. Higgins is perfectly well aware that I urged him to appoint Mr. Franchot State Superintendent of Public Works. I did this because I am Works. I did this because I am convinced that Mr. Franchot will make a fine public officer.

*But were you not aware that Mr. Odell was interested in the retention of Charles ncer Boyd for that place?" "I couldn't very well help that, could I?"

inquired Mr. Platt. "But the fact remains that our new Governor has appointed Mr.

"Are you going to make any recommendations concerning the make-up of the Senate and Assembly committees?"

"Why, certainly," replied Senator Platt, as if surprised that such a question should be put to him. "Mr. Nixon and I are going to have a nice little talk to-morrow, and I have got my list of recommendations to make to the Honorable Speaker, just as I have made my recommendations in years "What about the future control of the

organization in the State?" Pray don't let us speak about that matter at this time," replied Senator Platt "All that I can say is that I am for peace

but I am not for peace to the detriment of the whole party's welfare." You had a talk with Mr. Payn to-day, Mr. Platt. Would you care to give your interpretation as to how Mr. Payn takes

the defeat of Mr. Black?" "Payn takes the defeat," replied Senator

Platt, "with great forbearance and deep humility. Louis F. Payn, ex-Gov. Black's closes!

friend and political adviser, has been an organization Republican for fifty years. He was never known to kick over the traces. and when defeated in a contest inside of the organization he has often remarked with grim smile: "Crow? Why, I like crow It's a bully good dish when you become accustomed to it."

Mr. Payn called on Senator Platt yesterday at the Senator's office, and later he

It's all right. I am satisfied, and I told Senator Platt T was. The Senatorship would not be a good thing for Black. I said to him six months ago: 'Frank, you cannot afford to take this place. It would be too great a sacrifice, as you would have ect your law business.' He agreed

"It's a fortunate thing for him that he is not going to the Senate. Oh, yes; it has all turned out for the best. Depew has been my friend for forty years, and I am glad he is to be reelected. When I met him at Seratoga last summer I told him that I would like to see him go back to the Senate, uniese Black was a candidate. I have always had the kindliest feelings for Depew. If it is not to be Black, then Depew is the only man for the place."

Ex-Gov. Black's other friends said that they would now begin to lay pipes to make him Senator Platt's successor in the United States Senate. Mr. Platt's term expires March 5, 1909. Mr. Black will then be 56 years old.

Others said that an effort will be made to induce President Rossevelt to appoint Mr. Black to be United States District Attorney for the Southern District of New York, to succeed Gen. Henry L. Burnett, who has held the post eight years. A recent investigation brought to light the information that besides the salary the fees of the office are prodigious, running up to something like \$200,000 in the last eight years.

Senator Depew said he had nothing whatever to add to what he had already said. He had a long and happy chat with Senator Platt yesterday. ROUGH SLEEPING CAR TO CLEVELAND

via Pennsylvania Railroad, leaves New York (West 28d St.) at 4:55 P. M., daily; arrives Cleveland 7:15 A. M. Other good trains.—Ads.

Unbering in the New Year.
Music and fireworks at midnight, 43d Street and roadway, Times Square.—Adv.

FEWER DIPLOMATIC CHANGES.

" Line to Van " " by

McCormick to Be Retained at St. Petersburg, and Tower May Remain at Berlin. WASHINGTON, Dec. 30,-It seems to be definitely settled that Robert S. McCornick of Illinois will be retained as the American Ambassador at St. Petersburg in President

Roosevelt's new term, or for a part of it, at least. Mr. McCormick is in relations of extreme cordiality with the Russian Government, and the Administration believes hat if he were displaced it might cause revival of the belief in Russia that the United States Government was unfriendly to the Russian cause.

Charlemagne Tower of Pennsylvania. he Ambassador at Berlin, is said to be making a fight for retention, and there has been some change in the sentiment that has prevailed here in favor of appointing another man to the German mission. No decision has been reached, how ever, in Mr. Tower's case, but it was said o-day that he now has a very good chance of retention.

David E. Thompson of Nebraska, who s now the United States Minister to Brazil, is the foremost candidate for the China mission, and it is probable that he will be appointed next fall, after Edwin H. Conger of Iowa, now Minister to China, retires from that post. Mr. Conger will be appointed Ambassador to Mexico, to succeed Powell Clayton of Arkansas, who will retire early in President Roosevelt's new term.

The friends of John Lewis Griffiths of Indiana are urging the President to appoint him Consul-General to Paris to succeed John K. Gowdy, also of Indiana, and they are now confident that Mr. Griffiths will go either to Paris or Berlin. In any event Mr Gowdy will retire, and should Mr. Griffith be appointed to the Berlin Consulate General Frank H. Mason of Ohio, the incumbent here, who is regarded as one of the ablest men in the consular service, will probably be transferred to Mr. Gowdy's place.

DELAWARE DEADLOCK BROKEN

Fight in Legislature Between Regulars and Addicks Men Temporarily Halted. Dover, Del., Dec. 80.-The tumultuous Delaware Legislature, which was deadlocked by the refusal of Addicks Republicans to divide the offices with the Regulars, effected an organization at 4 o'clock this afternoon, and two hours later the Assemblymen had voted their pay and adjourned the extraordinary session sine die.

It took the House just twelve minutes and the Senate six minutes to introduce, read, consider as a committee of the whole and pass the judgment lien extension bill for which Gov. Hunn convened the extraordinary session. While the Sepate was passing the bill, which corrects a costly error. Gov. Hunn sat upon the stand beside Lieut.-Gov. Cannon ready to sign the measure, which he immediately did.

"The urgent necessity for this legislation alone brought about our consent to an equal division," said Senator D. O. Moore an Addicks leader. It does not signify that we will divide equally for the regular biennial session beginning next Tues-

Senstor Ball. Regular Republican State chairman, said: "It is all over now until the conferences are held next Monday night for the regular session. There will be an early settlement of our differences

we hope, although hope is a strong word. The Addicks leaders will refuse abso lutely to tender to the Regulars the position of president pro tempore of the Senate which has really caused the whole fight The Regulars will never allow the Addicks men to control the joint session, which elects the United States Senator and which is always presided over by the Senate's president pro tempore, as under a judicial decision in Delaware the Lieutenant-Gov ernor has no right to preside at the joint balloting.

ALMOST GOT SHAW'S \$1,008. Pickpeckets Stole His Wallet, but Disearded It When Pursued.

Thomas Shaw, a blacksmith, of 51 Montrose avenue, Williamsburg, was robbed of wallet containing \$1,008 and a check for \$70 on a crowded crosstown car in Williamsburg last night. The wallet was in Shaw's hip pocket, and he noticed as he hung on a strap that three well dressed men were jostling him rather needlessly. As the car was going down Broadway near Kent avenue, the men suddenly rushed out of the front door. Shaw felt for his walle discovered that it was gone. He yelled "Stop thief!" and "Police!" and started

after the three men.
One ran down Broadway toward the
Twenty-third street ferry and the other
hustled up Broadway. Policeman Donohue nustied up Broadway. Polloeman Donohue of the Clymer street station, who was at Kent avenue and Broadway, heard the shouting and grabbed the two men. One of them twisted Donohue's arm so that the polloeman fell in front of a Broadway and the crook got away, but th man kept a tight grip on the other

one.

When Policeman Griffin came running up Donohue told him to go after the man who had thrown him down. The man ran into the Lipton house at Kent avenue and Broadway and passed into a lavatory, where he discarded his overcost with Shaw's wallet in it. Then he ran out of the contract Shaw's wallet in it. Then he ran out of another door and disappeared in Kent avenue. Griffin couldn't find him, but he found the wallet with all the money in it.

Donohue took his prisoner to the station, where he said he was Joseph Harvey, 31 years old, photographer. He refused to tell where he lived or who his companions were. He was locked up on the charge of grand largeny.

ANGRY AT AUTO DRIVER'S ARREST Howard Gibb Said He Had Repeatedly

Crossed the Bridge Just as Fast. Howard Gibb of 37 Fifth avenue, a mer ber of the dry goods firm of Mills & Gibb of 462 Broadway, protested strongly when Emil Lankenzael, his motor car driver, was arrested last evening by Officer Scannell of the Brooklyn Bridge squad. Scannell accused the driver of running his ma-chine in excess of twelve miles an hour on the north roadway of the Brooklyn Bridge Mr. Gibb said he had been running the

Mr. Gibb said he had been running the machine across the Bridge for several years, and his driver was going no faster at this time than at any other. He thought the cop must have some grudge against him, he said to the sergeant at the Oak street Scannell said he had warned the driver before, and that he watched him pass three

Mr. Gibb gave \$150 ball for his driver. Quickest Line to Cleveland.

Leave New York 522 P. M., arrive Cleveland.

7:18 next morning. Cheinnett 1:20 P. M., Indian apolis 3:00 P. M., St. Louis 9:05 P. M., by New York Central. Pine Service. No excess fare.—Ade.

Mair's Scotch Ale on New Year's. to the New Year. Muir's Scotch Ale, appetizing makes a feast of the least

SAVED FROM THE STRIPED BAND

OR THE HOMECOMING OF JAKIE WOLFREDG AT \$23 PER RESCUE.

Sam Resemberg, the Young Detective, Triumphs in the Great Madison Avenue Mystery-A Happy Father Now Anxious to See Him Just Once More.

All was gloom in the house of Wolfberg Isidor, its head, sat at the supper table with his family, but there was a vacant chair. Jacob, actat 14, had been missing since Christmas Eve, and this was Thursday night.

"Is it the Black Hand?" asked Mrs. Wolfberg in a trembling voice. Won't Jakie never come back?" piped

the youngest Wolfberg. But Mr. Wolfberg made no answer and a great silence fell upon 1439 Madison avenue, third floor front. Suddenly steps were heard on the stairs and there was a knock at the door. Mr. Wolfberg opened it. The light fell upon a young man of resolute countenance.

"Your son is missing?" he inquired, in voice full of deep meaning. "He is," said Mr. Wolfberg. "Who are VOU?"

"Samuel Rosenberg, the detective." These words did not fail of their effect. Mr. Wolfberg begged the stranger to

"I believe," said our young detective, "that in a short time I can restore your son to you, unharmed." [Page 23, Amateur Detective's Guide and Conversationalist.] "Why don't you do it, quick," said Wolf-

"These things cost money," said the detective, a slight smile playing over his austere features. "Have you \$25? For that nominal sum I will bring Jacob to you. Hesitation may be fatal to him, so decide

"All right," said Wolfberg. "Bring him home and you can have the money." Detective Rosenberg bounded down the stairs like a gazelle, his nostrils a-quiver with the fervor of the hunt.

"Now, for the purlieus of the city," he hissed, falling over a bunch of various young bergs at the bottom of the last flight and almost losing his tin star.

Two hours later, hand in hand, sleuth and lost boy ascended the Wolfberg stair. "Jakie, Jakie, where have you been? sobbed Mrs. Wolfberg.
"Your lips are sealed, lad," cried Rosen-

berg. "Remember the parting words of the leader of the Striped Band: 'Silence or death.' I implore you, Mr. Wolfberg, not to wring from Jakie's lips the secret of these four days. But I must go, for other deviltry is abroad to-night."

Pausing only to collect the most cherished \$25 in human captivity, our hero vanished. No one ever will know what passed between the Wolfbergs, father and son, during the long watches of the night. The lightning detective must have played some part in their conversation, for yesterday Mr. Wolfberg visited Police Headquarters and said he would like to have help in finding Samuel Rosenberg. It was reported in upper Madison avenue that the happy father wished to hand something to the

restorer of his bonny boy. Mr. Wolfberg was not at home when a reporter called last night. The neighbors said that he had been seen leading Jakie up the street. Farther north there are ecluded spots where screams delivered in expiation might not ring so loudly as they

do in a flat. A call at 19 East Ninety-eighth street developed the absence of Samuel Rosenberg. His father was at home, however.

"What did your son say about finding the ost boy?" Rosenberg, Sr., was asked. "Nothing to me, but some policemen came o see him about it."

"Is your son a detective?" "That," said Mr. Rosenberg, "is something don't know."

Sammy is 17. In the two-cent coffee house in Madison avenue near 106th street, where the neighborhood lads sip their steaming near-Java and thumb the tomes that tell of brave men and bold, there was a great whispering about the Wolfberg mystery.

"I hear," said Moe Garfinsky, "that Jakie has been havin' a hot time in Grand street." "I guess he didn't cool off any when he got home," said Iz Abrams, "but I don't see anybody comin' in here to spend any part of \$25.

Then Rosey Rosenstein, the reader for this week, took up the evening's history lesson, beginning: "Lightfoot Jim stood watching the body of his arch foe, Black Bart, as it bounded from crag to crag,

The police of the 104th street station said they knew nothing about the case.

BENNETT HEIRS WORRY BRYAN They Want Their Share of the Estate and He Must Be on Hand Next Week.

NEW HAVEN. Dec. 30 .- The heirs of the late Philo S. Bennett, of whose estate William J. Bryan is executor, insisted in the Superior Court to-day on a speedy set tlement of the estate through their at torney, former Judge Henry Stoddard. Judge Stoddard said that Mr. Bennett had been dead a year and a half and the heirs wanted their money.

To the objections interposed by counse for Mr. Bryan against undue haste in the matter. Judge Stoddard said that Mr. Bryan wanted to get the case before the Supreme Court. Judge Ralph Wheeler, who presided, instructed Mr. Bryan's counsel to have him on hand next week, when the case comes up again. The case is the appeal of Mrs. Bennett and the other heirs from the decision of Judge Livingston W. Cleaveland of the Probate Court, who refused to remove Mr. Bryan as executor on the ground tha he was not serving the best interests of the estate by fighting the heirs in the courts.

BRYAN IS SHOOTING DUCKS. GALVESTON, Tex., Dec. 30.-William J Bryan, accompanied by his son William, arrived this morning from Lincoln, Neb. They are the guests of Col. W. L. Moody of Lake Surprise, a duck preserve, four miles up the bay. The party left for Lake Surprise at noon to-day, and if the weather is favorable for hunting will not return before Monday evening.

FLORIDA AND WEST INDIAN LIMITED-"FINEST SERVICE SOUTH"

All Deerfoot Farm Sansage are made at the Farm. In Southbodo, Mass. success, is owing to the choice materials, neatness and cleanliness of the preparation

ROOSEVELT TO CONFEDERATES. Writes of His Kinsmen Who Wore the Gray

to Camp of Veterans at Paris, Tex. Panis, Tex., Dec. 30 .- Capt. J. W. Hardison, commander of Albert Sidney Johnston camp, United Confederate Veterans of this place, has received a letter from President Roosevelt in rosponse to an invitation extended by Capt. Hardison to the President to visit Paris as the guest of the camp. President Roosevelt, after thanking Capt. Hardison for the invitation, says:

"If I can arrange the schedule of my trip o San Antonio so that I can stop at Paris shall most certainly do so, in order to have the pleasure of meeting your camp. On that trip I shall be on my way to San Antonio, where I took part in raising a regiment, most of the members of which had fathers who wore either the blue or the gray in the great war.

Personally, Lhad kinsmen on both sides. Two of my mother's brothers fought in the Confederate service, one, by the way, served on the Alabama under Admira Semmes, the father of the wife of that gallant ex-Confederate Luke Wright, whom made Governor of the Philippines. It was but the other day that I designated the only living grandson of Stonewall Jackson as a cadet at West Point, and have just made Jeb Stuart, Jr., United States Marshal for the Eastern District of Virginia.

NEW OFFER TO STEEL WORKERS.

Big Corporation Will Again Give Them a Chance to Buy Stock in Installments. The United States Steel Corporation will renew on Jan. 1 its offer of preferred stock of the corporation to its employees in accordance with the custom established two years ago when the right to subscribe to the company's stock was first offered to the employees. The stock was sold to them then on the basis of \$82.50 a share When the offer was renewed a year ago it was sold on the basis of \$55 a share. This

stock shared with other securities. The price at which the stock is to be offered this time was not made public yesterday, but will probably be somewhere in the neighborhood of the price at which it was offered two years ago, since in the stock market it is selling at about the price it commanded at that time.

offer followed the big decline which the

Subscriptions by employees are made payable in installments, with the full price to be paid within a fixed number of years. Employees are not permitted to sell the stock in the market for five years. Meantime, if it becomes necessary for them to dispose of it they must sell to the company. Large blocks of the stock have been taken at the beginning of each year under the corporation's offers.

FOURTEEN COASTERS HURT, Mest of Them Slightly-Two Sled Parties Meet With Mishaps.

Madison, N. J., Dec. 30 .- Charles Tuttle, son of Postmaster Charles C. Tuttle of Sussex borough, was one of a party of four young men and four girls who were coasting in Sussex borough late last night. They were sliding down Newton avenue, one of the steepest hills in the borough. Robert Kitner, who was steering, lost control of the bobsled, which ran into a fence. The fence was smashed and the coasters were

hrown violently to the roadway Tuttle's leg was broken in two places near the ankle and Kitner was cut about the head. All hands were more or less bruised.

BELLEVILLE, N. J., Dec. 30 .- A bobsled containing six youngsters crashed into an iron culvert cover at the foot of Bridge street this afternoon. Lawrence Want-house, 11 years old, of 134 Sylvan avenue, Newark, who was steering, was severely hurt. He was hurled twenty feet, rendered unconscious, and was severely cut and bruised. Minnie West was also badly hurt. She fainted after the accident. A physician attended her and she was then sent home. The others were also cut and bruised, but none of them seriously.

LUTHER R. MARSH WILL CONTEST. One of the Contestants Claims to Be an Adopted Son of Mr. Marsh.

MIDDLETOWN, N. Y., Dec. 30 .- In a hear ing before the Surrogate of Orange county in an action brought to break the will of the late Luther R. Marsh, the New York lawyer, once Daniel Webster's partner and dune of the "spook picture" fraud of the notorious Ann O'Delia Diss Debar. a surprise was sprung in that one of the claimants to Mr. Marsh's wealth claims to be an adopted son. This alleged adopted son is Douglas Stuart, grandson of the late Alvin Stuart, once a noted New York attorney and father-in-law of Mr. Marsh. Douglas Stuart appeared in person at the hearing before the Surrogate. Another claim ant for a share of Mr. Marsh's fortune in an infant grandson of the late George Francis Train of the name of Gulagar, who was represented by Judge John J

An effort was made in the cross-examina tion of the witnesses to find out if Mr. Marsh had ever spoken of any relatives. Mrs Fink had heard Mr. Marsh say that Judge Edward J. Bartlett was related to him but she was not sure that Mr. March had ever admitted a relationship to George Francis Train. The court adjourned until Jan. 23.

BULLFIGHT BY PERMISSION.

The S. P. C. A. Has Kindly Sanctioned Something or Other in Carnegie Lyceum. Something or other, entitled a builfight is to be given in Carnegie Lyceum on the night of Jan. 14, according to an announce ment sent to the newspapers, as the feature of a benefit performance to Senora Luz F. Buxo. Of it Manager Buxo makes this interesting announcement:

"With kind permission of the Society for the Prevention of Cruelty to Animals. Mr. Buxo, after having excited and stuck the buil with banderillas, will kill it in a most extraordinary and comic manner." Carnegie Lyceum says that the only bull that will get in there must be stuffed. Carnegie Co. Cuts Wages.

HOMESTEAD, Pa., Dec. 30.-Notices posted at the Howard Axle Works at West Homestead this morning announcing a general reduction of wages, to take effect Jan. 1. The cut ranges from 5 to 16 2-3 per cent. It is a plant of the Carnegie Steel Company and the workingmen were much curprised, as a raise had been expected nstead of a cut.

Arrived: 8s Monter:y, Havana, Dec. 27. Pronounced by Soutch whister drinkers the best whiskey imported. Thompson's Scotch. Cesare Contl. Agt., & Broadway.—Ade.

ODELL PARDON FOR FENDER,

WHO WAS SENT TO JAIL 8 YEARS AGO AND NEVER SERVED A DAY.

Convicted of Petty Larceny in Keeping Bucketshop-Last Court Left Him to His Fate Two Weeks Ago-Odell Lets Kim Ge Without Notice to Jerome. Word was received in the District Attorney's office yesterday that Gov. Odell had pardoned William S. Fender, who, on

Jan. 29, 1897, or just about eight years ago, was convicted of running a bucketshop and sentenced to jail, but has never served a day in prison. With Fender in the bucket shop business was associated Walter D. Valentine. They had offices in West Twenty-eighth street

and Twenty-ninth street. Valentine was

prosecuted, too, and convicted. He is

ighting his case before the Court of Ap-Fender was convicted of petty/larceny. His sentence was for six months. He immediately got a certificate of reasonable doubt and was released on \$2,500 bail, which was furnished by Peter De Lacy, poolroom man and occasional friend of the

This was during the term of District Attorney Olcott. Then came District Attorney Gardiner, who was in office three years. No action was taken against Fender and he roamed around at will. Some time ago Assistant District Attorney Gans, one of Mr. Jerome's assistants, dug up Fender case. Mr. Gans immediately became active. He had the case moved before the Appellate Division and had Fen-

der's conviction affirmed. Benjamin Steinhardt of Howe & Hummel's office appeared for Fender. His conviction was affirmed, but he immediately went to the Court of Appeals. This time his counsel was ex-District Attorney Gardiner himself. Col. Gardiner made a long argument for Fender. He was opposed by Mr. Gans. Col. Gardiner remarked to the court that the record in the case was in very bad shape. Mr. Gans made no attempt to deny that, but he reminded the court that the case was in Col. Gardiner's office for three years while he was District Attorney, and that it slept.

Despite Col. Gardiner's argument, the Court of Appeals affirmed Fender's con-

viction. That was on Dec. 16. When an application is made for a pardon t is customary to notify the District Attorney and the Judge before whom the convicted man was tried to get their opinions as to the advisability of granting a pardon. Gov. Odell didn't take any such course in the Fender case. Without sending any notice to the District Attorney the Governor pardoned Fender last Wednesday.

It took almost eight years to get Fender's conviction affirmed and just twelve days for the Governor to pardon him.

The first notice that Mr. Jerome had that Fender had been pardoned came yesterday, when James P. O'Connor, a lawyer served notice on the District Attorney for the "release of Fender from custody" and the discharge of bail. Fender, as already mentioned, has not served a day in jail Mr. Jerome refused to make any comment on the action of the Governor, but, apropos of nothing, he said:

at the expiration of a Governor's term. The great number of applications for pardons that have been received in this office in the last month is certainly amaz-

The record shows that eighteen applications have been received in the District Attorney's office this month. Of these, five came yesterday. Somebody forgot to serve notice on the District Attorney's office that an application had been made for Fender's pardon. Once before Gov. Odell has pardoned a

man without the usual notice being sent to the District Attorney's office. was in the case of a man arrested in the raid on the Ariston baths. On another occasion Gov. Odell gave a pretty strong intimation that he intended to pardon Frank S. Weller, partner of Larry Summerfield in the "sick engineer" mining swindle. Summerfield is in jail for that swindle, although he had boasted that he would never see the inside of Sing Sing. Weller's conviction has been affirmed by the Appellate Division. He is now out on a stay pending an appeal to the Court of Appeals.

When Gov. Odell threatened to pardon Weller District Attorney Jerome said very plainly that if Weller was pardoned by the Governor the District Attorney would keep on trying him on other indictments until the Governor would be sick and tired of pardoning him. Nobody could find Weller last night to ask if he had been par-

doned, too. When it became known around the Criminal Courte Building that Col. Gardiner had argued Fender's case before the Court of Appeals somebody dug up Section 670 of the Penal Code, which save:

An attorney who, having himself prose-cuted or in any manner aided or promoted any action or proceeding in any court, as District Attorney or public prosecutor, after-ward directly or indirectly advises in relation o, or takes any part in, the defence thereof, as attorney or otherwise, is guilty of a mis-

This, however, sourcely applies to Col. Gardiner, his only part in the Fender case having been to let it sleep.

District Attorney Addington of Albany county had a long talk with District Attor

ney Jerome yesterday. It was said, how-ever, that Mr. Addington's call had nothing to do with the Fender case.

PROBING COLORADO'S ELECTION. Supreme Court Directs That Order Be Drawn Up for Thorough Investigation.

DENVER, Dec. 30 .- The Supreme Court ssued instructions to-day that an order should be drawn up so broad in its nature that the court may look into every matter in connection with the recent election in the city and county of Denver. The order of the court was that every ballot box in the city and county, with the exception of the few boxes already opened, shall be unlocked and the contents examined, and that a thorough investigation be made of the registration books of the city and county, to discover if the charges made that they contain thousands of fraudulent names

they contain thousands of fraudulent names are true.

The court said inquiry would also be made into every and any thing in connection with the election. This will include an investigation as to the source of the campaign funds of both the Democratic and Republican parties, and what was done with them. Nothing will be done until next Tuesday, when the court will approve or disapprove of the order it instructed the attorneys to draw up.

COMING WITH BAIL FOR NAN Mr. Deveny of Wheeling, However, Will

Have a Fruitless Journey. A private despatch received from Wheeling, W. Va., last night contained the statement that T. A. Deveny, who was supposed to be raising a fund for the bailing out of Nan Patterson, would arrive in this city to-day with \$50,000 cash for that purpose. It was shown to District Attorney ferome, who read it over slowly and the

"Nan Patterson will be tried again, and meantime no ball will be accepted. That

is final." An enterprising press agent with ad vance information wrote to Nan yesterday that the actress he represented, who is known to have real money, was ready to offer \$50,000 bail for her release. Nau was no more cheerful than usual.

Somebody also notified her counsel that man had been found in the South who saw Young shoot himself in the cab on the morning of June 4. The District Attorney heard nothing about this new witness.

NEW MEMBER OF MORGAN & CO. A. E. Newbold to Join That Firm and brexel & Co. on Jan. 1.

Arthur E. Newbold will become a partner in the banking houses of Drexel & Co., Philadelphia, and J. P. Morgan & Co. of this city on Jan. 1, the date on which George C. Thomas retires from the two banking houses. Mr. Newbold is a well known banker of Philadelphia, having been a member of the banking house of W. H. Newbold's Son & Co. of that city, from which he now retires.

It is understood that Mr. Newbold's active work will be with Drexel & Co. in Philadelphia. That house and Morgan & Co. of this city are so closely associated

as to be practically one institution. Frank M. Dick, of the Stock Exchange nouse of Dick Bros., retires from that firm on Jan. 1 after twenty-one years of active business with it, and Isaac M. Solis and Henry Markoe, Jr., become members of the firm. Mr. Dick will retain his Stock Exchange membership.

CAN'T BAR CATHOLIC JURORS. It Was Done in Case Against a Priest, and the Verdict Is Set Aside.

Supreme Court Justice Gaynor in Brooklyn yesterday set aside the verdict for, \$13,500 given by "a non-Catholic jury several days ago against the Rev. Father Eugene J. Donnelly in favor of Tillie Smith. The young woman was washing windows in one of the priest's houses when she fell from the third story and received permanent injuries.

When the verdict was rendered former Assistant Corporation Counsel William C. Carr moved to have the verdict set aside on the ground that the rights of the de fendant had been violated, because Catholies had not been allowed to serve on the jury. He contended that the question as to the religion of the jum was an infringe-ment on the constitutional right of both the juror and the defendant. Justice Gaynor yesterday returned the papers marked Motion granted." The case will be tried again.

TRAIN GUARD'S NARROW ESCAPE. Grasped an Iron Bar Under the Platform

William Norman, 24 years old, a guard on the Kings County elevated road in Brooklyn, saved himself from falling under the wheels early last evening, when he was struck by an eastbound motor train at Alabama and Pitkins avenues, East New York. He grasped an iron bar under the front platform of the first car and clung to it until the motorman. Alexander Stewart brought the train to a stop. Norman, who ives at 151 Dupont street, Brooklyn, escaped with a scalp wound and a few bruises,

MRS. BAGOE DECLARED INSANE. Daughter of Gen. Christensen Again Com-

mitted to a Sanitarium. BOSTON, Dec. 30.-Mrs. Dagmar Bagoe, wife of Frederick Bagoe and daughter of Gen. Christensen, was committed to the custody of Dr. George T. Tuttle of the McLean Hospital for the Insane to-day, under a decree entered with the consent of all the parties to the habeas corpus proceedings which have been brought for her release from the Herbert Hall Sanitarium of Worcester.

The petition for babeas corpus was brought by Mrs. Christensen, her mother, and Mrs. Ophelia Mathias, her sister, upor the ground that she was not insane and was illegally committed to the sanitarium at Worcester at the instance of her husband. The case was continued until today. Dr. Edward Coules, a well known alienist, examined Mrs. Bagoe in the meantime, and his opinion was that she is mentally affected. Her commitment to the custody of Dr. Tuttle is to continue until the further order of the Court.

NEW AUTO RACE. French Manufacturers Will Put Up \$40,000 Worth of Prizes.

Special Cable Despatch to THE SUN.
LONDON, Dec. 30.-A despatch to the Express from Paris says that the new autonobile contest, recently announced, will take place at the same time as the race for the international cup, and is intended to outshine the latter. It has been instituted by French manufacturers of automobile The prizes will be worth at least \$40,000.

DOCTOR ACCUSED BY HUSBAND. Woman in Serious Condition in Minesia

Hospital-Dector Gives Ball. Dr. Samuel Tandlich of 828 East Fifty second street was arrested shortly after midnight yesterday morning by Detective Sergeant Meehan of the East Fifty-first street station, charged with performing a criminal operation on Mrs. Mary A. Quimb of Cedarburst, L. I. The woman's hus band, William Quimby, visited the station house Thursday night and said that his wife was lying in the Mineola Hospital in a serious condition. He accused Dr.

Meehan took his prisoner to the hospital yesterday. The woman identified him. He was held in \$1,000 bail by Magistrate Mayo.

Japanese Pinancial Stuation Good. Special Cable Despatch to THE SUN. LONDON, Dec. 31 .- The Tokio correspond

ent of the Standard says that the Japanes conomic and financial situation at the end the year is perfectly satisfactory. There are no banking difficulties, and both the national and private credits are good. DEWET'S WINES FOR NEW YEAR'S

Always please, as they are Old and Pure.
T. Dewey & Sons Co. 188 Fulton St. N. Y. Inslit upon having Burnett's Vanilla .-- Ada

RUSSIANS SHORT OF MEN NOW

SATURDAY, DECEMBER 31, 1904. Fair to-day and to-morrow; light

southwest winds.

CAPTURE OF ENHLUNG FORD SHOWS DECREASE IN DEFENDERS.

Japanese Report Only Three Prisoners Taken and Think the Best of the Five Hundred Defenders of the Position

Were Killed-Four Big Guns Captured. CHICAGO, Dec. 30 .- The Daily News prints to-night from its correspondent at the headquarters of the Third Japanese Army before Port Arthur this despatch, date Dec. 29, sent via Kobe, under to-day's

date: "It is thought here from the comparaive ease with which the enormously Erhlung fort was ouptured yesterday that the Russians are finding it increase difficult to spare sufficient men to defe their line of defences. After the first terrific explosion of dynamite, which reat the walls of the fort and killed nur of Russians, the Japanese assaulting forces effected a lodgment in the front main works

and centured the first line of light guns. "This position, however, was er by the guns on the Etse Mountain fort, and became necessary to renew the bonsbardment of Erhlung. The main defences were torn and pounded and alternately subjected to attacks by companies of Jara nese. At 4 P. M. the whole line advanced, scaled the wall and, carrying the sec line where the heavy guns were posted, went clear through to the gorge, where the remnant of the Russian defenders still held out in a strong barracks of masonry work. From this they were ultimately driven at A. M., leeving in the hands of the Japanese three prisoners, four large and seven small siege guns, thirty quick firers and two mas

chine guns. "The garrison that so gallantly defended he fort consisted of 500 men of the Twenty". the fort consisted of 500 men of the Twentys sixth Regiment of East Siberian sharps shooters.

TOGO GREETED AT HOME. Japan Rises in Enthusiasm to Her Hereet in the Navy.

Special Cable Despatch to THE SUN.
TOKIO, Dec. 30.—Admiral Togo and Admiral Kamimura arrived in Tokio to-day, and a great popular ovation was given them. They were received in audience by the Emperor. The two Admirals were greeted on their

arrival in the city by representatives of the Emperor and Empress, by the Ministers of State and by prominent citizens, together with thousands of schoolchildren. The city was gay with flags and lanterns. Admiral Togo, a quiet, gray bearded man wearing a blue uniform, was embarrassed by the ovation accorded him. With considerable difficulty, owing to the

size of the crowd, the Admirals read the carriages which had been sent by the Emperor to convey them to the palace. "Banzai!" followed "Banzai!" as the party drove off. The journey to the palace was waving of banners and the exp fireworks and through dense and chee

FOUR BIG GUNS TAKEN. Most of the Garrison of the Ehrlung Fort

Special Cable Despatch to THE SUN. Tokio, Dec. 80 .- A remnant of the Russian garrison of the Ehrlung fort at Port Arthur, which was stormed and captured by the Japanese at 7:30 o'clock on Wednesday evening, held out against the Japanese attacks till 8 o'clock in the morning. Only three prisoners were taken by Gen. Nogi's men. They say that most of the garrison

of 500 were killed. Four large pieces of ordnance and seven guns of smaller calibre were captured, to gether with thirty-two other guns and a quantity of materials. It is reported that the Russians have retired to the Shunshu for, southeast of

Ehrlungshan, where operations are progressing rapidly. RUSSIAN WARSHIPS RECALLED

Two of the Baltic Fleet Declared Until for Active Service. Special Cable Despatch to THE SUN. 9 ST. PETERSBURG, Dec. 30.—It is reporte that the battleship Orel and the protecte cruiser Izumrud, the former with Admir-Rojestvensky's squadron and last heard of from Cape Town, and the latter with Admiral Voelkersahn's squadron, which recently coaled at and sailed from Ji French Somaliland, have been recalled,

unfit to proceed on active service. FINAL ASSAULT NEAR. Shanghai Hears That Port Arthur's Fall

Is Imminent. SHANGHAT, Dec. 30.—According to vices received here the Japanese min operations at Sungshushan, Port Art nearly completed. A tunnel from Etcaliant is almost finished, which will enable them to blow up the parapet of the fort, which is already isolated. The final assault on and capture of the position is expected in a few

days. MORE SUBMARINES FOR RUSSIA.

The Lake Company Has Leased Part of Newport News Plant to Build Them BRIDGETORT, Conn., Dec. 30 .- Two m Lake submarine torpedo boats have been completed at the plant of the Newport News Shipbuilding and Dry Dock Company being the fourth and fifth, aside from th Protector, sold some time ago to Russia It is practically admitted that the submarines are for Russia, and it is underest that the two finished this week will be p aboard a steamer at once and taken to Russia, and from there will be sent to

The Newport News Shipbuilding Dry Dock Company is not building the sub-Lake Torpedo Boat Company is buil them, having leased a part of the big shi building plant at Newport News and gathered a force of over 200 skilled work men. The employees are working day and night and Sundays on submarines.

Capt. Simon Lake, president of the Lake company, had an interview recently with Paul Morton, Secretary of the Navy, and is reported to have stated that he wanted a competitive and not a comparative test of his new boat "Simon Lake X.." and a side by side test with one of the type of submarines now in the United States navy.

Mr. Lake is said to have received assurances that his desires will be gratified. The Lake company's force of draughtsmen, and mechanics have been sent from this city to Newport News, and the office here is in charge of one man. Capt. Simon Lake, president of the Lake